



FH
[REDACTED]

STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION
Case #: FOO - 175744

PRELIMINARY RECITALS

Pursuant to a petition filed July 21, 2016, under Wis. Admin. Code, §HA 3.03(1), to review a decision by the Rock County Dept. of Social Services to reduce FoodShare benefits (FS), a hearing was held on August 10, 2016, by telephone.

The issue for determination is whether the county correctly removed petitioner's medical expenses from his FS calculation.

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]

;

Respondent:

Department of Health Services
1 West Wilson Street, Room 651
Madison, WI 53703

By: [REDACTED]
Rock County Dept. of Social Services
P.O. Box 1649
Janesville, WI 53546

ADMINISTRATIVE LAW JUDGE:

Brian C. Schneider
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Rock County.
2. Petitioner and his wife received \$357 FS in July, 2016. The amount was based mostly on a \$1,850 excess medical expense deduction.

3. Petitioner filed a six-month report form on July 5, 2016. He reported no changes in income or shelter expenses. He reported no out-of-pocket medical expenses.
4. Because of the loss of the medical expense deduction FS for August, 2016 were reduced to \$16. The county informed petitioner of the reduction by a notice dated July 11, 2016.

DISCUSSION

In determining the amount of FS to be issued each month, the county must budget all of the recipient's nonexempt income. 7 C.F.R. §273.9(b). From that income, certain deductions are allowed. The deductions include a standard deduction, which currently is \$155 per month. 7 C.F.R. §273.9(d)(1); FS Handbook, Appendix 4.6.2. Another deduction is the earned income deduction, which equals 20% of the household's total earned income. 7 C.F.R. §273.9(d)(2); FS Handbook, App. 4.6.3. A third possible deduction is for medical expenses exceeding \$35 in a month for elderly or disabled persons. 7 C.F.R. §273.9(d)(3); FS Handbook, App. 4.6.4. A fourth deduction is for child/dependent care. 7 C.F.R. §273.9(d)(4); FS Handbook, App. 4.6.6. The final deduction is for shelter expenses; the deduction is equal to the excess expense above 50% of net income remaining after other deductions. 7 C.F.R. §273.9(d)(6); FS Handbook, App. 4.6.7. The maximum shelter deduction is \$490 unless the household includes an elderly or disabled individual; in those cases there is no shelter cap. Handbook, App. 8.1.3. and 4.6.7.1.

The FS Handbook, App. 4.6.4.1 provides the following as to deducting medical expenses:

Allow previously acquired charges (not yet paid) and current payments when calculating a medical expense deduction. Previously acquired charges include charges incurred anytime before or during the certification period, as long as the individual is still obligated to pay the expense and the incurred expense has not been previously allowed as a FoodShare deduction.

As noted in the findings petitioner had a medical expense deduction of over \$1,850 in the months leading up to the six-month review. That deduction alone almost offset the couple's income. Petitioner did not verify any new medical expenses or that he continued to owe for old expenses that were not previously used for the deduction. In petitioner's defense the six-month report did not include a section in which petitioner could report current medical expenses.

Based upon the information supplied to the county, I conclude that the reduction in FS was correct. Ms. [REDACTED] stated that if petitioner provided medical expenses the county would review them and would increase FS if the expenses were sufficient to warrant an increase. Petitioner can submit his expenses for consideration.

CONCLUSIONS OF LAW

The county correctly reduced petitioner's FS because petitioner did not provide new medical expenses beyond the prior certification period.

THEREFORE, it is

ORDERED

That the petition for review is hereby dismissed.

REQUEST FOR A REHEARING

You may request a rehearing if you think this decision is based on a serious mistake in the facts or the law or if you have found new evidence that would change the decision. Your request must be **received within 20 days after the date of this decision**. Late requests cannot be granted.

Send your request for rehearing in writing to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400 **and** to those identified in this decision as "PARTIES IN INTEREST." Your rehearing request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and explain why you did not have it at your first hearing. If your request does not explain these things, it will be denied.

The process for requesting a rehearing may be found at Wis. Stat. § 227.49. A copy of the statutes may be found online or at your local library or courthouse.

APPEAL TO COURT

You may also appeal this decision to Circuit Court in the county where you live. Appeals must be filed with the Court **and** served either personally or by certified mail on the Secretary of the Department of Health Services, 1 West Wilson Street, Room 651, **and** on those identified in this decision as "PARTIES IN INTEREST" **no more than 30 days after the date of this decision** or 30 days after a denial of a timely rehearing (if you request one).

The process for Circuit Court Appeals may be found at Wis. Stat. §§ 227.52 and 227.53. A copy of the statutes may be found online or at your local library or courthouse.

Given under my hand at the City of Madison,
Wisconsin, this 12th day of August, 2016

\s _____
Brian C. Schneider
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

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The preceding decision was sent to the following parties on August 12, 2016.

Rock Cty. Dept. of Social Services
Division of Health Care Access and Accountability